

W.P.(MD)No.17380 of 2016 and
W.M.P.Nos.12607 & 12608 of 2016 and
W.M.P.No.31211 of 2018

DR.VINEET KOTHARI, J.
AND
R.SURESH KUMAR, J.

[Order of the Court was made by Dr.Vineet Kothari, J.]

This petition has been transferred from Madurai Bench to Principal Seat and has been placed before this Bench under the orders of the Hon'ble Chief Justice.

2.The learned counsel for the respondents has raised preliminary objections as to the maintainability of the Writ Petition and the learned counsel for the petitioners Association prays for some time to submit the details of the alleged members of this Association for whom the ex gratia compensation is now claimed by them, after the respondent Company has closed i.e., way back in the year 2001.

3.The learned counsel for the respondents has also brought to the notice that the 7th respondent Association viz., Ponds Hindustan Lever Limited, Ex. Mercury Employees' Welfare Association had already filed

W.P.No.8291 of 2006 etc., which finally resulted in a settlement between the ex-employees of the Company and substantially *ex gratia* payments have been made to them in the year 2016. Thereafter, another set of people claiming similar *ex gratia* payment came by way of W.P.No.22342 of 2018, in which, about 116 people came to this Court, some of whom were part of the 7th respondent Association already and therefore, W.P.No.22324 of 2018 [K.Shankaran and others Vs. Ponds Hindustan Lever Limited] came to be dismissed by a Division Bench of this Court on 06.02.2019 recently and it is also stated at Bar that as against the order of dismissal of the writ petition, the petitioners have filed SLP.No.11786 of 2019, which came to be dismissed by the Hon'ble Supreme Court on 02.08.2019. Thus, the preliminary objections raised by the learned counsel for the respondents about the delay and laches and aforesaid precedents have to be answered by the learned counsel for the petitioners.

4.The learned counsel for the petitioners has not even filed with the present writ petition the list of the alleged ex-employees of the Company whose cause they seek to represent.

5.We grant last opportunity to the petitioner Association to furnish

the requisite details along with evidence, showing their employment connection with the respondent Company. They may also furnish the petitioners sworn statement of forms and by-laws which they were registered with the concern viz., Registration No.33 of 2016, list of members as on the date of registration and the copy of accounts showing their activities so far undertaken by the petitioner Company.

6.In the meanwhile, the respondents are also directed to file counter in W.M.P.No.31211 of 2016 seeking impleadment.

7.Put up the matter on 23.03.2020.

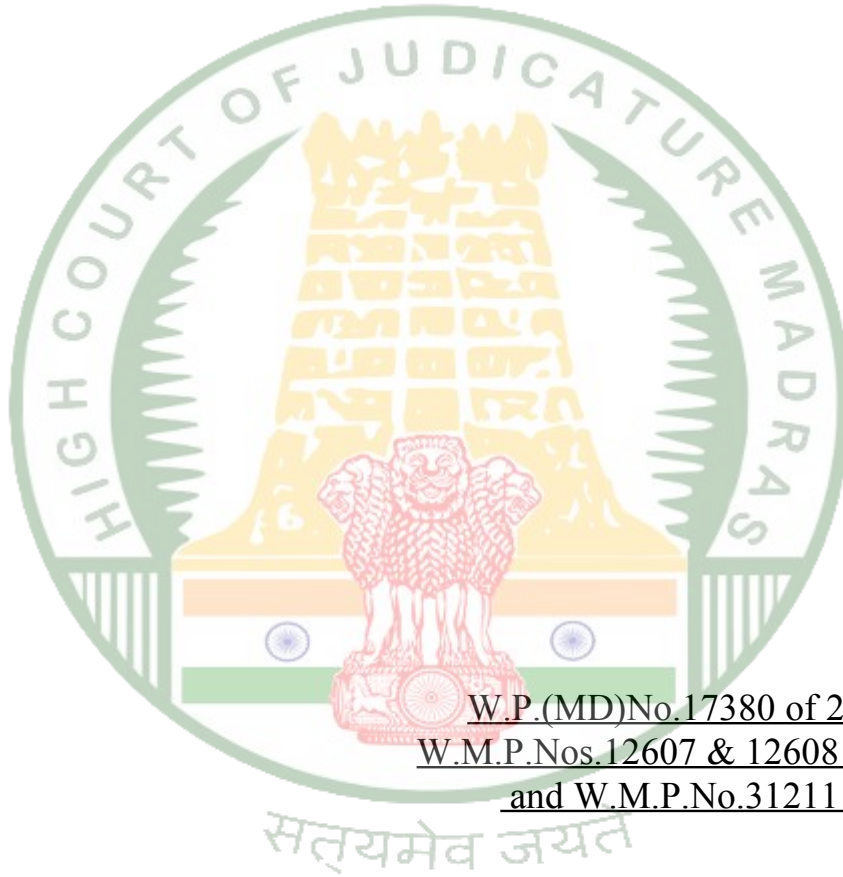
(V.K.J.) (R.S.K.J.)
25.02.2020

Sgl

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